



Tulsa Metropolitan Area  
Planning Commission

Case Number: CPA-90  
Comprehensive Plan Amendment  
(Related to Z-7572)

Hearing Date: October 7, 2020

**Case Report Prepared by:**

Jani Werten

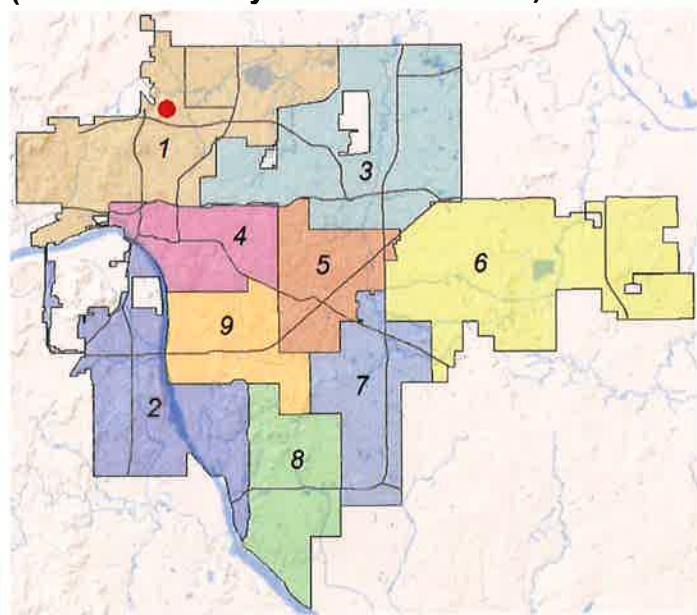
**Owner and Applicant Information:**

Applicant: Russell Muzika

Property Owner: Tahir Khan

**Location Map:**

(shown with City Council Districts)



**Applicant Proposal:**

Land Use Map change from **New Neighborhood** to **Main Street**

Tract Size: 1.05 + acres

Location: West of the Southwest corner of East 36th Street North & North Garrison Avenue

**Staff Recommendation:**

Staff recommends **approval** of the proposed **Main Street** land use designation for the north 45 feet of the subject tract.

Staff does not recommend approval of a land use change for the remainder of the tract south of that line.

**Comprehensive Plan:**

**Land Use Map**

Existing: *New Neighborhood*

Proposed: *Main Street*

**Stability and Growth Map**

Existing: *Area of Growth*

Proposed: *Area of Growth*

**Zoning**

Existing Zoning: RM-1

Proposed Zoning: CS

**City Council District: 1**

Councilor Name: Vanessa Hall-Harper

**County Commission District: 1**

Commissioner Name: Stan Sallee

**TMAPC Staff Report**  
**CPA-90**  
**Comprehensive Plan Amendment**

## **Property Information and Land use Request**

The property in question is a 1.86 acre tract of land made up of two separate parcels, which the applicant wishes to combine through the platting process. The applicant has submitted the following Comprehensive Plan amendment request to amend the land use designation of the southern 1.05 acre tract of the subject property from *New Neighborhood* to *Main Street*. This request is accompanied by a concurrent re-zoning request (Z-7571), which proposes a zoning change on the entire 1.86 acre tract from RM-1 to CS in order to permit an existing convenience store and proposed auto-repair shop.

### **Background**

The parcel involved in this Comprehensive Plan amendment request is located in North Tulsa, just south of 36<sup>th</sup> Street North, and abuts a single-family residential neighborhood to the east and south, a single-family residential home and vacant lot to the west, as well as a service station and convenience store to the north. This segment of the 36<sup>th</sup> Street North also contains a mixture of commercial retail, non-profit, and religious assembly uses.

In October of 2013, the 36<sup>th</sup> Street North Corridor Small Area Plan was adopted and the land use designations of specific parcels were amended to reflect land uses that more closely aligned with the vision of this plan. This included changing the land use designation of the Osage Casino from Town Center to Regional Center, the parcels abutting 36<sup>th</sup> Street North between Osage Prairie Trail and North Elgin Avenue from Town Center to Main Street, and expanding the Town Center land use designation to more parcels around the intersection of 36<sup>th</sup> Street North and Peoria Avenue and further south along Peoria Avenue. Despite these changes to the surrounding land uses and the subject property's proximity to 36<sup>th</sup> Street North, the land use designation for the northern parcel with the existing service station and convenience store was changed to Main Street, while the southern parcel remained the same, retaining both the land use designation and growth and stability designation it was assigned by the Comprehensive Plan in 2010, *New Neighborhood and Area of Growth*.

The 36<sup>th</sup> Street North Corridor Small Area Plan aims to identify major capital improvements and public/private investments that will spur positive change and help draw attention to the area's many attractions, fostering this image of 36th Street North as a bustling commercial center minutes from downtown, that is a diverse, attractive place to live and invest. This vision includes the fostering of an entertainment district around the Osage Casino, increasing connectivity and access to goods and services through a walkable Main Street, and transit-oriented developments on Peoria Avenue. In order to achieve this vision, the 36<sup>th</sup> Street North Corridor Small Area Plan proposes policies that improve and expand the local trail system, encourage economic development and diverse housing options, and increase connectivity and walkability through improvements to transit, bicycle, and pedestrian infrastructure, as well as streetscapes.

## **Existing Land Use and Growth Designations**

A *New Neighborhood* land use designation was assigned to the area subject to the amendment request at the time of the adoption of the Tulsa Comprehensive Plan in 2010:

"The New Neighborhood designation is intended for new communities developed on vacant land. These neighborhoods are comprised primarily of single-family homes on a range of lot sizes but can include townhouses and low-rise apartments or condominiums. These areas should be designed to meet high standards of internal and external connectivity and shall be paired with an existing or new Neighborhood or Town Center."

When the Tulsa Comprehensive Plan was developed and adopted in 2010, the subject tract was designated as an *Area of Growth*:

"The purpose of Areas of Growth is to direct the allocation of resources and channel growth to where it will be beneficial and can best improve access to jobs, housing, and services with fewer and shorter auto trips. Areas of Growth are parts of the city where general agreement exists that development or redevelopment is beneficial. As steps are taken to plan for, and, in some cases, develop or redevelop these areas, ensuring that existing residents will not be displaced is a high priority. A major goal is to increase economic activity in the area to benefit existing residents and businesses, and where necessary, provide the stimulus to redevelop."

## **Proposed Land Use Designation (Tulsa Comprehensive Plan)**

The applicant is proposing the *Main Street* land use designation for the subject property:

"Main Streets are Tulsa's classic linear centers. They are comprised of residential, commercial, and entertainment uses along a transit-rich street usually two to four lanes wide and includes much lower intensity residential neighborhoods situated behind. Main Streets are pedestrian-oriented places with generous sidewalks, storefronts on the ground floor of buildings, and street trees and other amenities. Visitors from outside the surrounding neighborhoods can travel to Main Streets by bike, transit, or car. Parking is provided on street, small private off street lots, or in shared lots or structures."

## **Zoning and Surrounding Uses**

Location	Existing Zoning	Existing Land Use Designation	Area of Stability or Growth	Existing Use
N	RM-1	Main Street	Area of Growth	Service Station and convenience store
S	RS-3	Existing Neighborhood	Area of Stability	Single-family Residential
E	RS-3	Existing Neighborhood	Area of Stability	Single-family Residential
W	MX 1-U-55/AG	Main Street/New Neighborhood	Area of Growth	Vacant/ Single-family Residential

## **Applicant's Justification**

As part of the amendment application, the applicant is asked to justify their amendment request. Specifically, they are asked to provide a written justification to address:

1. How conditions on the subject site have changed, as well as those on adjacent properties and immediate area;
2. How changes have impacted the subject site to warrant the proposed amendment; and;
3. How the proposed change will enhance the surrounding area and the City of Tulsa.

*"To Whom It May Concern,*

*Mr. Kahn's convenience store, known as "Jerrod Grocery" is in an area that does not appear to have changed and is stable. Mr. Kahn purchased two parcels (as depicted by the Tulsa County Assessor) together as one parcel with the store in 2015. The convenience store and gas pumps appear to have been operating since 1982. Both parcels have been owned and sold under the same vesting deeds since 1982 and are both currently zoned RM-1. While the assessor shows two parcels, the northerly parcel being the store and a southerly parcel being vacant, they are inextricably tied together and owned by Mr. Kahn under one warranty deed. The southerly parcel cannot be accessed except through the northerly parcel. The "36th Street North Corridor Small Area Plan" Shows the recommendation for the parcels fronting 36<sup>th</sup> Street North in that area to be "Main Street" designation. However, the plan shows the north and south parcel as separate parcels and designated the southerly parcel as "New Neighborhood". We believe these two parcels should be recognized as one parcel and thereby allowing the change to the southerly parcel to be "Main street" and allowing the zoning change of both parcels to become CS and subsequent plat of both together. We believe this request is not changing the essence or vision of the area, but more so adjusting the two parcels to be more appropriate for actuality. Mr. Kahn is investing in the area and believes he serves the locals with convenience and a good neighbor spirit."*

## **Staff Summary & Recommendation**

The 1.05 acre parcel involved in this Comprehensive Plan amendment is located in North Tulsa, just south of 36<sup>th</sup> Street North, and abuts a single-family residential neighborhood to the east and south, a single-family residential home and vacant lot to the west, as well as a service station and convenience store to the north. Despite changes to the land use designation of some neighboring parcels, the land use designation and growth and stability designation assigned to this parcel by the Comprehensive Plan in 2010 has remained the same, *New Neighborhood* and *Area of Growth*.

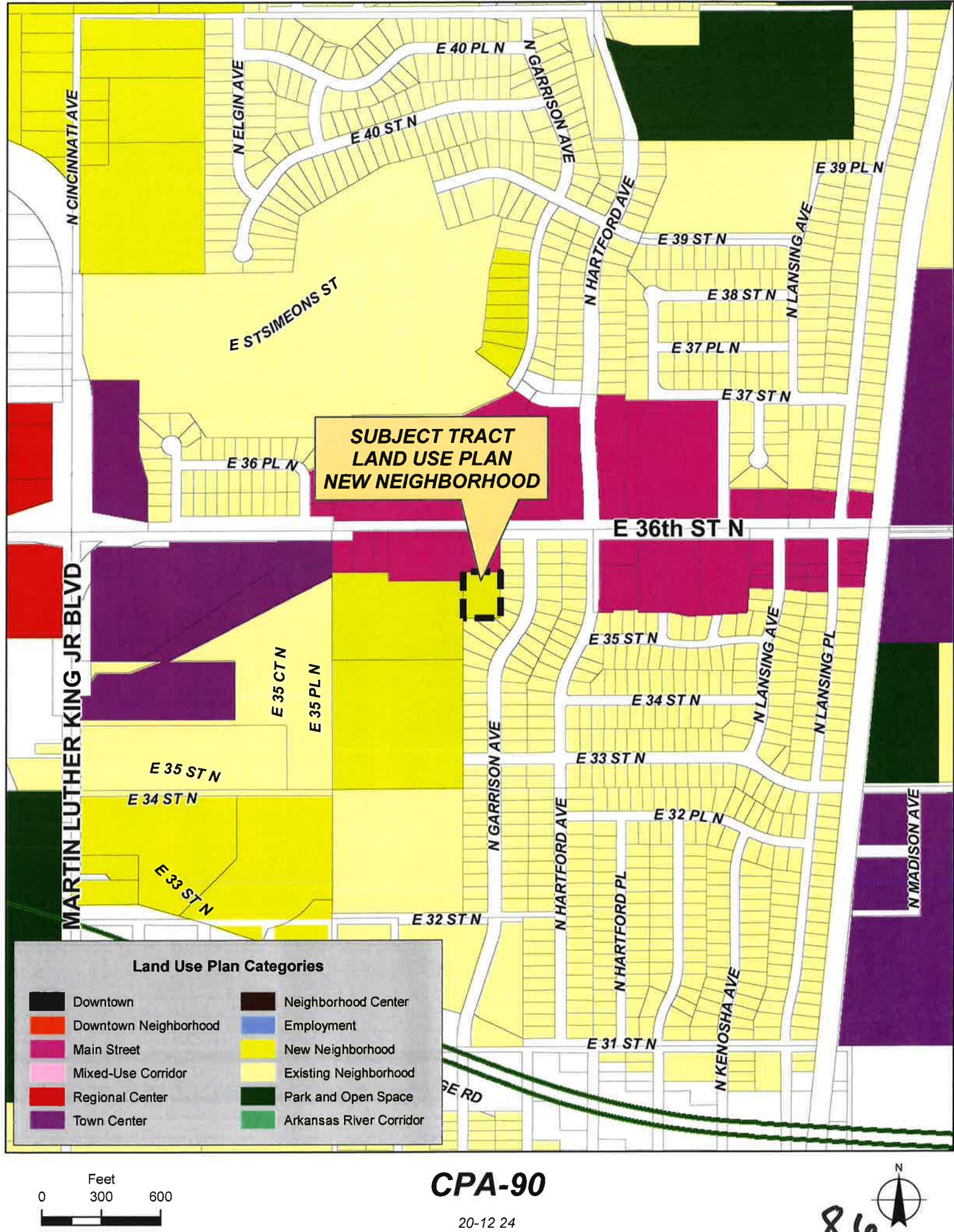
The applicant has requested both a Comprehensive Plan amendment and a concurrent re-zoning (Z-7571) to change the land use designation of the southern 1.05 acre tract from *New Neighborhood* to *Main Street*, as well as change the entire 1.86 acre tract from RM-1 to CS in order to permit an existing convenience store and proposed auto-repair shop.

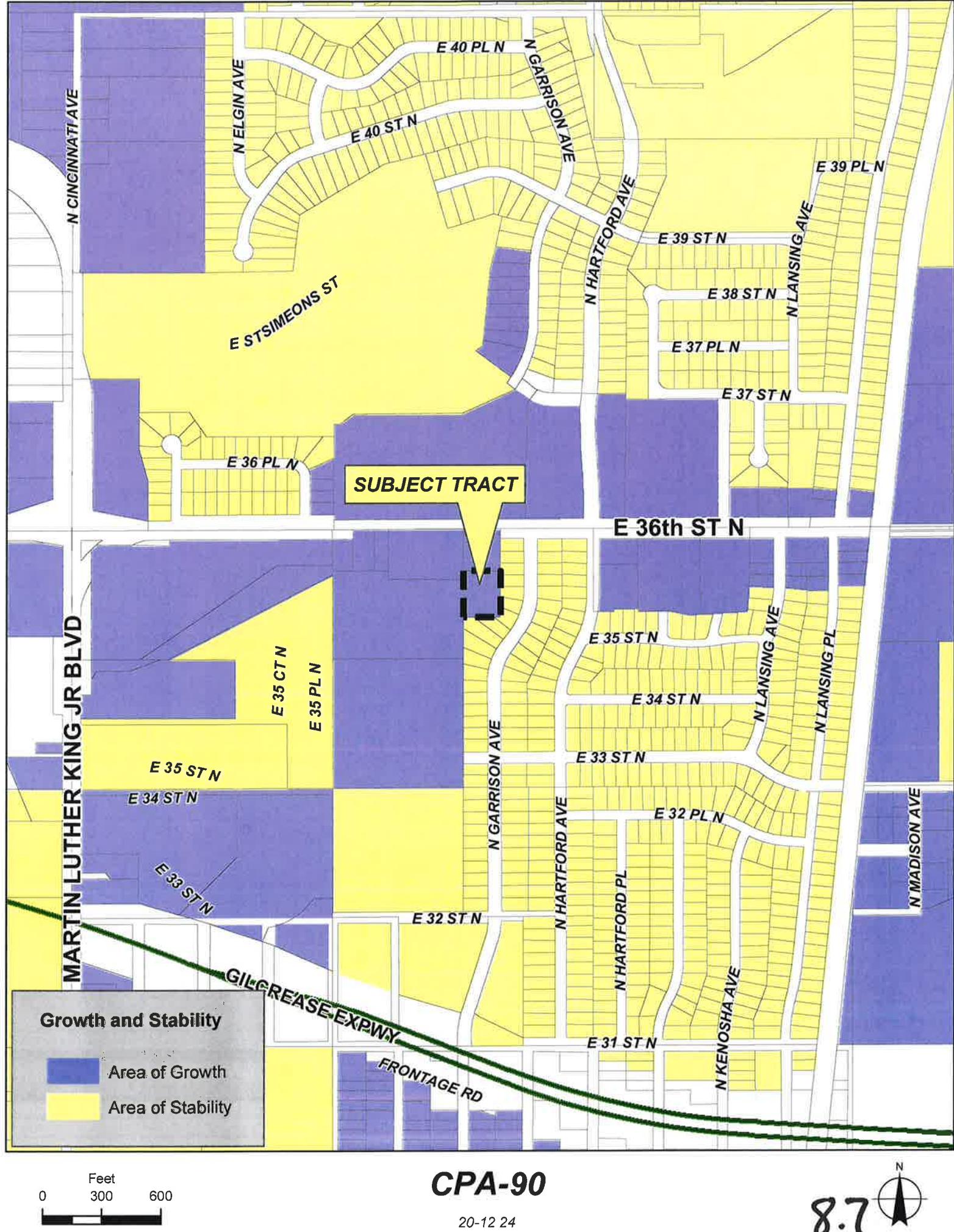
According to the applicant, the convenience store and gas pumps have both been operating, as well as owned and sold under the same vesting deeds since 1982 and the area does not appear to have changed. The applicant believes that "while the assessor shows two parcels, the northerly

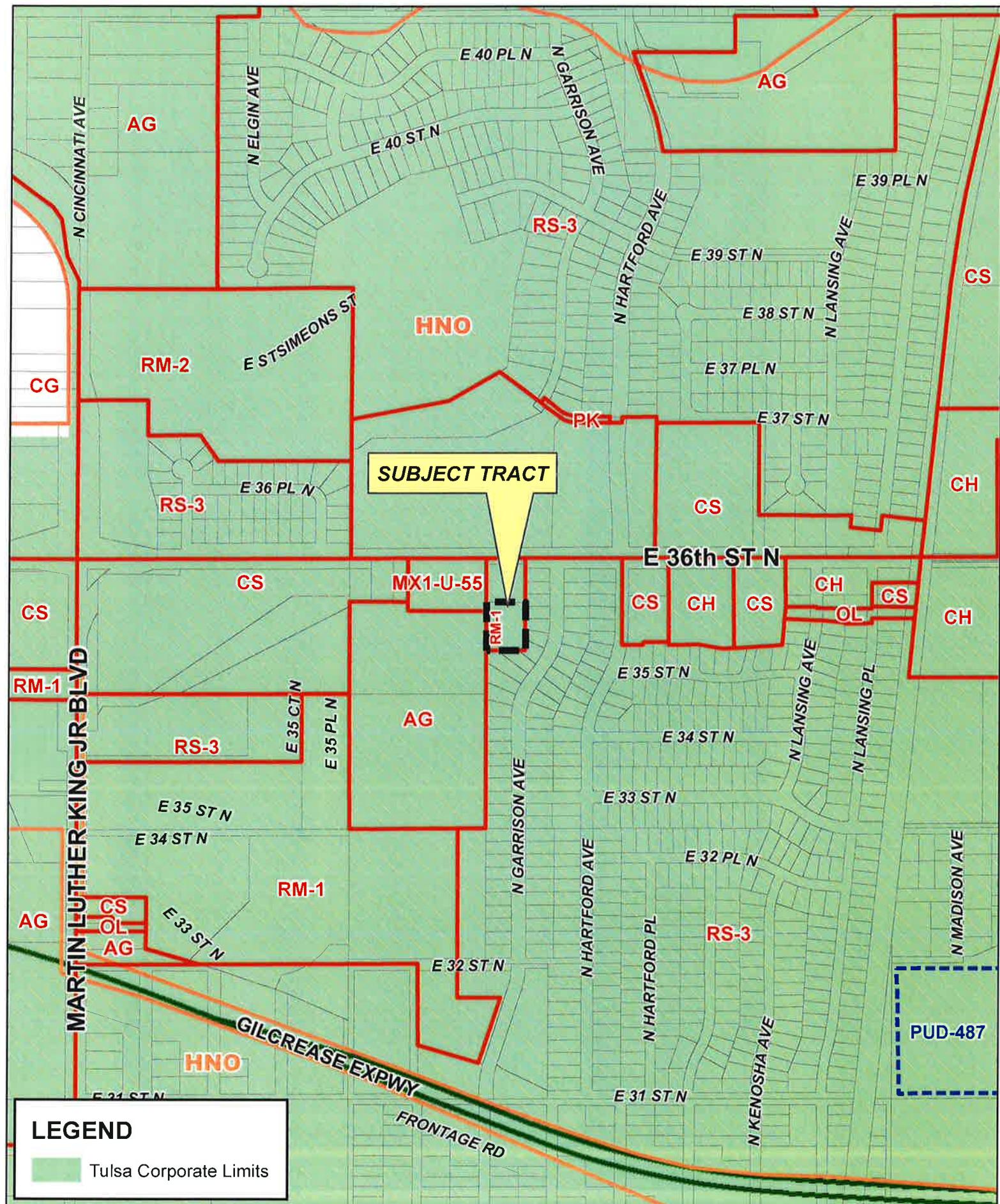
parcel being the store and a southerly parcel being vacant, they are inextricably tied together and owned by Mr. Kahn under one warranty deed," and should be recognized as one parcel, noting that the southerly parcel cannot be accessed except through the northerly parcel. The applicant further suggests that these requests would not change the "essence or vision of the area," but would more so be an "adjustment of the two parcels to be more appropriate for actuality." While these parcels may have been sold together throughout the years, unless the parcels have been through the lot combination or platting process, the lots are still legally separate and are considered separately on issues of land use and zoning.

This is an important area of the City that is undergoing transformation. There is significant City focus and investment in this corridor, starting with the adoption of the 36<sup>th</sup> Street North Corridor Small Area Plan. As implementation of that plan, the City is rebuilding this segment of 36<sup>th</sup> Street North which will include a pedestrian oriented streetscape project anticipated to begin construction in Spring of 2021.

Without a development plan that offers more detail on the development, how it will impact the adjacent neighborhoods, and what may be done to mitigate any negative impacts on abutting residential uses, there is a need to limit the depth of the expansion of the Main Street land use designation. Given the extreme terrain south and west on the site, future residential expansion at this location is limited and a natural buffer is provided to abutting residential. The single home on top of a hill in the AG district southwest of this site and is separated by over 90 feet of elevation change. Staff cannot support an amendment to the entire parcel, however because of this physical barrier on the southern portion of the property, staff recommends *approval* of the proposed *Main Street* land use designation for the north 45 feet of the subject tract. Staff does not recommend approval of a land use change for the remainder of the tract south of that line.







**CPA-90**

20-12 24

8.8

MARTIN LUTHER KING JR BLVD

N CINCINNATI AVE

**CPA-90**

0      Feet  
300      600



Subject  
Tract

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

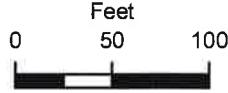
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8.9



E 36th ST N

N GARRISON AVE



Subject  
Tract

**CPA-90**

20-12 24

Note: Graphic overlays may not precisely align with physical features on the ground.

Aerial Photo Date: February 2018

8.10

